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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
Plaintiff,

v.

CAROLYN JEAN BENJAMIN, in her capacity as
executrix of the Estate of Robert A. Benjamin, as
beneficiary of the Individual Retirement Account
for the benefit of Robert A. Benjamin, and as
beneficiary under the Last Will and Testament of
Robert A. Benjamin,

PENNY PESATURO, as beneficiary of the
Individual Retirement Account for the benefit of

Adv. Pro. No. 10-05102 (SMB)

Robert A. Benjamin, and as beneficiary under the
Last Will and Testament of Robert A. Benjamin,
And

ROBIN DURR, as beneficiary of the Individual
Retirement Account for the benefit of Robert A.
Benjamin, and as beneficiary under the Last Will
and Testament of Robert A. Benjamin,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL WITH
PREJUDICE OF ADVERSARY PROCEEDING**

PLEASE TAKE NOTICE that Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses the above-captioned adversary proceeding with prejudice. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss this adversary proceeding without further order of the court by filing this Notice of Dismissal as, as of the date hereof, no opposing party has served either an answer or a motion for summary judgment.

Date: July 7, 2015

New York, New York

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona

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